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**HOUSE JOINT RESOLUTION NO. 71**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
(Proposed by the House Committee on Rules  
on February 14, 2004)

(Patron Prior to Substitute—Delegate Cox)

*Requesting the Secretary of Health and Human Resources to convene a cross-secretarial committee to develop a comprehensive plan to ensure the efficient and cost-effective provision of information and services to Virginia's limited English speaking residents, who are lawfully in the United States. Report.*

WHEREAS, the 2000 United States Census recorded 570,279 foreign-born residents in the Commonwealth, representing over eight percent of the state's overall population; and

WHEREAS, between 1990 and 2000 the share of non-English speakers at home in the Commonwealth increased by nearly half, from 7.3 percent to 10.8 percent; and

WHEREAS, Title VI of the Civil Rights Act of 1964 ("Title VI") prohibits recipients of federal funds from discriminating against individuals on the basis of race, color, or national origin, which has been interpreted to require meaningful access to information and services for limited English speaking individuals; and

WHEREAS, federal guidance makes clear that, even in jurisdictions in which English has been declared the official language — as in Virginia — federal fund recipients must still ensure compliance with Title VI; and

WHEREAS, a recent Joint Legislative Audit and Review Commission (JLARC) report titled "Acclimation of Virginia's Foreign-Born Population" found that the language barrier is the greatest challenge to foreign-born residents and their acclimation into the Commonwealth's economic and social structures, and that approaches taken to accommodate the language needs of this population segment by individual state and local government agencies have varied from comprehensive to minimal; and

WHEREAS, the JLARC report further found that state and local agencies lack a coordinated approach to addressing the language barrier, resulting in inefficiencies and excessive costs, for example through duplicative written translations, development of multiple telephone interpreter contracts, etc., and that policies addressing the language barrier are needed to ensure compliance with federal Title VI requirements and more cost-effective use of available resources; and

WHEREAS, in light of Title VI requirements, a review of government policies and strategies is needed to determine how to provide meaningful access to information and services for Virginia's limited English speaking residents in the most cost-effective manner possible; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Health and Human Resources be requested to convene a cross-secretarial committee to develop a comprehensive plan to ensure the efficient and cost-effective provision of information and services to Virginia's limited English speaking residents, who are lawfully in the United States. In conducting its work, the committee shall (i) develop a process to be followed by state agencies for cataloging current multilingual capabilities and needs; (ii) determine federal resources that may be available to assist the state in efforts to serve its limited English-speaking residents; (iii) evaluate options for obtaining interpretation and translation services and identify cost-effective methods for such activities; and (iv) determine appropriate and cost-effective methods for ensuring the quality of interpretation and translation activities. State agencies shall conduct assessments of their multilingual capabilities and needs in accordance with the guidance developed by the secretarial committee, which at a minimum, shall consider the following factors: (a) the number or proportion of limited English proficient persons in the eligible service population; (b) the frequency of contact with such persons; (c) the nature and importance of the program, activity, or service; and (d) the costs of providing language assistance and resources available.

Technical assistance shall be provided by the Department of Social Services, upon request. All agencies of the Commonwealth shall provide assistance to the committee, upon request.

The Secretary of Health and Human Resources shall submit the comprehensive plan by November 30, 2004, to the Chairmen of the House Committees on Appropriations, and Health, Welfare, and Institutions, and the Senate Committees on Finance, and Rehabilitation and Social Services.

The Secretary of Health and Human Resources shall complete her meetings by November 30, 2004, and the Secretary shall submit to the Division of Legislative Automated Systems an executive summary of the findings and recommendations no later than the first day of the 2005 Regular Session of the General Assembly. The executive summary shall state whether the Secretary intends to submit to the General Assembly and the Governor a report of the findings and recommendations for publication as a document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and

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**60** shall be posted on the General Assembly's website.